

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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LODEN KNOTTS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 19-2002-SHM
	)	
DONALD GIAMANCO,	)	
et al.,	)	
	)	
Defendants.	)	

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ORDER DENYING WITHOUT PREJUDICE  
MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

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Before the court by order of reference is Nationwide Affinity Insurance Company of America's motion to compel. (ECF Nos. 50 & 51.) The motion seeks to compel enforcement of a subpoena to produce documents directed toward a non-party, Wright Counseling Group. The other parties to this case do not oppose the motion. For the reasons below, the motion is DENIED WITHOUT PREJUDICE.

Under the current version of Federal Rule of Civil Procedure 45, "motions to quash or enforce a subpoena, in all but the rarest cases, . . . must be made in the district where compliance with the subpoena is required and not where the underlying action is pending[.]" Wright & Miller, 9A Fed. Prac. & Proc. Civ. § 2463.1 (3d ed.); see also Music Grp. Macao Commercial Offshore Ltd. v. Does, 82 F. Supp. 3d 979, 984 (N.D. Cal. 2015) (holding there was "no question" the court where compliance was required, rather than

the issuing court, was the appropriate jurisdiction to hear a motion to compel compliance with a subpoena). The place of compliance for the subpoena at issue here is Greenwood, Mississippi. (ECF No. 35.) Any motion to enforce compliance with this subpoena should thus be filed in the Northern District of Mississippi, not this court. Furthermore, this motion's certificate of service does not contain any indication that this motion was ever served on Wright Counseling Group. Absent extraordinary circumstances, a motion to compel compliance with a subpoena must be served on the non-party against whom compliance is sought. See City of New York v. FedEx Ground Package Sys., Inc., No. 13-CV-9173 ER KNF, 2015 WL 783363, at \*2 (S.D.N.Y. Feb. 24, 2015). The motion is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/ Tu M. Pham  
TU M. PHAM  
Chief United States Magistrate Judge

June 3, 2020  
Date